

NEW LAW PHASE FREES GIRL BRIDE

Seventeen-Year-Old Daughter of Restaurant Keeper Martin Has Marriage Bonds to Jose Conte Broken.

PARENTS' CONSENT NO BAR.

Even If They Give Permission to Minor Child to Wed Court Rules This Does Not Stand in the Way of Granting Annulment.

An interesting point of law involved in the statutes governing marriage and divorce was interpreted by Justice Scott in the Supreme Court to-day when he decided in the suit for annulment of marriage brought by Mrs. Virginia C. Conte, the seventeen-year-old bride of Jose Conte, a twenty-year-old law student.

Justice Scott decided that the girl was entitled to break the bonds of matrimony whether or not her parents had consented to the union. Hitherto the law has always accepted a marriage contract entered into by minors as a valid contract. When the fact was brought to the Court's attention, however, that there was nothing in the codified laws of the State regarding parents' consent and that they could at any time of their own volition void the contract, the Court ruled that under the statutes the parents' consent would not enter into the matter.

Bridegroom Opposed Suit.

The youthful bride is the daughter of Samuel Martin, the restaurant proprietor at Fortieth street and Broadway. She and Conte were married on April 10 last. She maintained that she was too young when she married her youthful lover and has had a change of mind and heart since.

The girl's marriage declared the marriage was entered into without the consent of her or Mr. Martin. Mrs. Martin declares the pair have never lived together since the marriage.

Young Conte opposed the annulment through Howe & Hummel, asserting that the girl's parents not only gave their consent, but urged him to marry their daughter.

The young bride took the stand and simply testified that she wanted her marriage annulled. She said she was under the age of eighteen when it was contracted and therefore incapable of entering into a valid contract.

Mrs. Elizabeth Martin, the mother, testified that her daughter was only seventeen years old at the time of the marriage. The family Bible, a huge volume, was offered in evidence to prove that the girl was born on Sept. 5, 1894.

Wouldn't Let Him Testify.

The defendant's counsel then endeavored to put the defendant on the stand to say that the parents of the girl had consented to the marriage. The Court would not allow him to testify and granted an interlocutory decree of annulment to the girl.

This decree will not become final for three months, and in the mean time Young Conte may appeal or except to the Court's finding.

After the Court had announced its decision the mother and daughter left the courtroom, but when they reached the corridor they fell on each other's necks and burst into a hysterical fit of weeping.

DECOLLETE GOWN PUZZLES JUDGE.

Solomon-Like Wisdom Called For, and He Takes Time to Consider the Case.

An action for the recovery of \$100, the price of a dress, was brought to the Seventh District Municipal Court to-day by Miss Elizabeth R. Dinsmore, of No. 510 Fifth avenue, against Dr. Frederick W. Wunderlich, a specialist, of No. 175 Remsen street, Brooklyn, the gown and waist having been supplied to the doctor's wife.

The rather unobscure defense was put in by Lawyer Daniel Webster Blumenfeld, that the doctor was not liable for his wife's bills, as she had an independent fortune and was accustomed to pay for her own clothes. A supplementary defense was that the gown did not fit. Lawyer F. W. Block appeared for the defendant.

The questions about feminine attire embarrassed Judge Rasquin considerably. Mrs. Wunderlich, a statuesque brunette, expensively gowned, said that she had ordered the gown to be made after her own design and that it wasn't.

"Miss Dinsmore did not follow my instructions," she went on. "She put heavy, coarse embroidery around the neck instead of hand-made embroidery. Then I told her to cut it off, but then it was made below the bust-line, and, of course, Judge, you would not expect me to wear such a dress as that."

"No," said Judge Rasquin, "there must be some propriety in a dress, of course."

"The sleeves were too large, the waist too loose and the hem padded. Really, you would not expect me to wear such an ill-fitting gown, would you?" Then, turning to Miss Dinsmore, Mrs. Wunderlich added: "You know you said yourself, Miss Dinsmore, that the gown had no expression."

Mrs. Wunderlich added that she had no less than seven fittings, none of less than two hours' duration.

"My! I don't see how you could do it," said the Judge.

After the testimony was in Judge Rasquin ordered the lawyers to submit briefs and announced he would give his decision later.

LEAVES SECOND WIFE FOR FIRST.

Wealthy John G. Underhill, Confidant of Charles M. Schwab, Is Sued by Woman He Married Four Days After Decree.

LOVES ESTHER AND BOYS.

Present Mrs. Underhill Says Her Husband Has an Income of About \$125,000 and that He Lives in Luxury at the Waldorf-Astoria.

For the second time within a year John G. Underhill, a real estate dealer of wealth and a confidant of Charles M. Schwab, has been sued for divorce. Grace Underhill, whom he married in June, four days after his first wife secured a legal separation, has asked for a limited decree. Her ground for the suit is desertion without cause, and her attorneys hold a written admission of the facts given to them by Underhill. It was the love for his first wife and their two boys that led him to leave the present Mrs. Underhill.

The complaint, which will be heard tomorrow before Justice Hall, charges that Mr. Underhill deserted his wife in the Manhattan Hotel on Oct. 21, leaving her practically penniless and refusing to pay her bill. She was forced to leave her trunks and valuables as security for her bill, she says.

Mrs. Underhill, the second wife, saw an Evening World reporter to-day at No. 40 East Twenty-ninth street.

"I can't imagine what Mr. Underhill will try to give as an explanation of his conduct when he appears in court tomorrow," she said. "I have his sworn statement that I was all to him that he could wish, and God knows that the excuse he gave to his lawyers—love for his first wife and boys—is untrue, for no man with love in his heart would have treated a woman as he treated the first Mrs. Underhill."

"For ten years he led her a life that was awful. I had a taste of it during the three months he and I lived together, and can imagine what she suffered—although I didn't notice it, the joy of the honeymoon was too great to cavil at his shortcomings."

Second Wife Loved Him.

"I met Mr. Underhill in the Waldorf last April. My friend, Gertrude Graham, introduced me. I had an aversion to married men and told him so. He later remarked that I was the most disagreeable woman he had ever met. 'Within a month he had asked me to marry him!'"

"When he first asked me to dine with him I asked why he did not dine at home, as all married men should. Then I met Mrs. Underhill and found her a most charming woman. All my friends said that Mr. Underhill was to blame for his family troubles, but he was such a fascinating man that I couldn't help falling in love with him."

"And even at the time I was engaged to another man, I followed right here in New York. Ah, me! 'What might have been!'"

"Last May, a month after I had met Mr. Underhill, I went West because his wife was to bring a divorce suit then. I was not the co-respondent as some of the papers have intimated. I came back June 23, three days after the divorce was granted, and met John that morning."

Married Day of the Divorce. "He wanted me to marry him at once. I demurred, because I wanted to be married in October and have a wedding like other girls, but he and his friends won me over and we were married in Jersey three hours after he had the legal right to ask me to be his wife."

"I married him knowing what they all said about him. I can't say that I'm sorry, but I drew almost a blank in the lottery that time. My heart was superior to my judgment, that's all."

"We had a perfectly heavenly honeymoon abroad. And now John did spend his money! Why, that gang of sharpers at the French race track got thousands of dollars from him. He lost \$900 in one day. And on the voyage home he lost a small fortune to Kid McCoy playing poker. That was on the Ma-jestic."

"We got back Aug. 16. Everything was lovely until Sept. 2. What follows has all been told. He said he loved his first wife Esther and his boys."

Never Was a Chorus Girl.

"John even telephoned to me this morning, taunting me with the notoriety I have got. He threatened me with lots worse. Yet I keep his picture here in my pocket along with one of his sweetest love notes, not yet three months old. I can't understand it. No one can, I guess."

"Please say I was never a chorus girl. My musical education is far too good to even impute that."

"John Underhill has ruined my life. I am but twenty-seven years old, but I've had my life tragedy. I shall never live with him again under any conditions—and a month ago I would have done anything in God's name to save my pride is hurt now—I will not have that it has killed my love, but Southern pride is greater than I would have."

Mrs. Underhill's brother, Frank B. Knight, Jr., the assistant manager of the Brooklyn telephone system, has agreed to a decision that the attorneys should receive \$1200 a year. Underhill should receive \$1200 a year. He is expected that she will turn her hand was financially embarrassed at the time. She says his present income is between \$100,000 and \$125,000, and that he lives at the Waldorf-Astoria in luxury.

Mrs. Underhill's first wife was Esther H. Leonard, a niece of Bishop Leonard, of Ohio. The two sons were taken into the custody of the mother. Four days later Mr. Underhill married Miss Knight. She was a Broadway woman, whose writings frequently appeared in the newspapers. She is a woman of brilliant accomplishments. Underhill all deals in expensive real estate. He handles large interests for President Schwab of the Steel Trust, and for other wealthy men of the city. He is a prominent clubman.

MRS. PATROK CAMPBELL OVERCOME ON THE STAGE.



WHY LAURA BIGGAR DID NOT SURRENDER DOCTORS RUSH TO HER AID IN COURT.

Just Changed Her Mind, Says Her Lawyer, but She May Appear in Court Next Week.

Samuel I. Frankenstein, of No. 45 Broadway, counsel for Laura Biggar, the actress, who is under indictment charged with conspiracy as the result of her effort to get all the millions of the late Henry M. Bennett, said to-day that Miss Biggar would not surrender herself to the New Jersey authorities until next Tuesday or Wednesday. He announced yesterday that she was going right over to Freehold and surrendering yesterday afternoon, but he explained to-day that she had exercised a woman's prerogative of changing her mind.

"At the last moment," he said, "Miss Biggar learned that she might be able to get a bondsman next week, and so she decided to wait until then. I do not know whether she will be successful or not, but she has hopes."

May Return to Stage. Frankenstein refused to talk about the report that his client was dickered to go on the stage again. It was intimated in some quarters that theatrical men with whom she is negotiating are thinking of going on her bond and recouping themselves through the box office of theatres for their outlay.

From her hiding place this is what Miss Biggar has to say about her rights as Bennett's "widow" and her stage possibilities: "I am tired of being considered a fugitive. I have been hounded and persecuted long enough and I want a chance to show all that I am right. I am ready to face the people who have misrepresented almost everything in connection with this affair. They have used the most unkind means, but they cannot down me utterly."

Two Offers for Stage.

"I am penniless. I have two excellent offers from theatrical managers, but I shrink from appearing in public, however much I am in need of money. For weeks I have been too ill to do anything, but I may be forced to go back to the stage in order to live until the case is tried and I am given what is rightfully mine."

"The tenants of the property left to me by Mr. Bennett have not paid me because they have been instructed not to do so by Mr. Hawkins, one of the executors of the will. Several have moved away because they do not know to whom the rent is due. I was to have been paid \$10,000 ten days after the probating of the will, but of course this trouble has kept that money from me. Since Mr. Bennett died I have had no income at all."

CLARA MORRIS'S PLAY.

The Actress Has Almost Finished Dramatizing Her Novel.

Miss Clara Morris has almost finished dramatizing her successful novel, "A Pastboard Crown," of which over 30,000 copies have been sold. This will be Miss Morris's first long play. With her experience on the stage and in literature it is expected that she will turn the book into a very interesting drama, and several managers are eager to secure it. It will make a strong play for some actress. The heroine is Sybil Lawton, whose experience in going on the stage and after making a successful debut are the theme of the story. A designing theatrical manager is one of the principal characters. His influence on the professional and private life of Sybil is powerfully pictured.

MARIE DRESSLER GAINS.

The Actress Now Declared to Be Out of Danger.

Miss Marie Dressler, who has been suffering from a cold and was threatened with typhoid fever, at her home in the Louella apartments, 159 West Forty-fifth street, was said to be much improved and out of danger to-day.

Governess Who Sues Millionaire Hartshorne's Child Again Has Convulsions.

Several of the noted physicians called to testify for Marie Bentz, the governess, in her suit against Harold Hartshorne, the twelve-year-old son of Banker James M. Hartshorne, of No. 35 Madison avenue, to recover \$50,000 damages for alleged injuries caused by the millionaire's child, had to rush to her assistance this morning when she was seized with convulsions. The doctors had to remove the young woman from the stand and work over her for fifteen minutes before they could revive her. Among the physicians who testified for Miss Bentz are Dr. M. Allen Starr, the nerve specialist, Dr. B. T. Tilton and Dr. C. P. D. Izenberg.

Says She Has Hysteria.

Although it is alleged that Miss Bentz is suffering from seven distinct nervous disorders, the physicians have diagnosed her case as hysteria major. Dr. Starr testified that the disorder caused convulsions that were absolutely beyond the control of the sufferer. The doctors said she might suffer from the disorder for years without fatal results, or that she might recover in a few years.

SHE'S WIFE NO. 2 INSTEAD OF NO. 1.

Mrs. Marquette Stein Asks Annulment of Marriage to Husband, Who Deserted Her.

Mrs. Marquette Stein has asked the courts for an annulment of her marriage to Leopold Stein, and Justice Dickie, in the Supreme Court, in Brooklyn, to-day granted an order to allow her to serve complaint by publication, as her husband now is in Vienna.

Mrs. Stein and Stein were married on Feb. 16 and three days later he left her. She charges that he took \$10,000 of her money, saying he would put it in the bank for her. When he did not return that day she became alarmed, but instead of notifying the police did a little detective work on her own behalf.

The young woman, who is stylish and pretty, traced her husband to the White Star line pier, where she found that he had sailed for England. Later she heard that he had been arrested in Vienna and made certain that the man in the custody of the police there was her husband.

Through the United States Consul there she learned that Stein already had a wife when he married her, having been wedded in Linz, Austria, on Aug. 31, 1900. The suit for the annulment of the marriage followed. Mrs. Stein now lives at No. 64 East Eighty-ninth street.

THOUGHT HE WAS DEAD.

But Driver of Wagon Hit by Train Escaped All Injury.

Frank Burns, a peddler, of No. 4 Logan street, Jersey City, tried to pass the gates at the West Side avenue crossing of the New York, Susquehanna & Western Railroad to-day, when a passenger train was approaching. He made one gate and was stuck in the middle of the track when the train hit his wagon.

He was knocked twenty feet. Burns picked himself up under the auspice that he was dead, but he wasn't even hurt. He went home, and his wagon was to the junk pile. The horse also escaped injury.

MRS. CAMPBELL NOT TO ACT.

Rest for at Least Two Days Ordered by Her Physician After Her Collapse on Garden Theatre Stage.

HER CONDITION IS WORSE.

News of Mme. Duse's illness and Julia Marlowe's prostration Add to Public Interest in Details of the Unfortunate Nervous Failure.

Mrs. Patrick Campbell, the English actress, who was taken suddenly ill during a performance of "The Joy of Living," at the Garden Theatre last night, is in a state of utter collapse this afternoon, and the statement is given out from her apartments at the Fifth Avenue Hotel that she will not be able to act to-night or to-morrow night.

Her Retirement Possible.

It is feared her condition may necessitate her retirement for an even greater time.

Mrs. Campbell, though ill in bed, this morning commissioned her secretary to state she was determined to act to-night. Her condition became worse as the day progressed, however, and her physician issued strict orders that she should have absolute rest and quiet for at least two days.

To this end the telephone and door bell in her apartments have been disconnected, and so serious is the state of her health considered that not the slightest sound is permitted to disturb the patient.

Various distressing circumstances, combined with an infinite amount of hard work, have brought about the collapse of Mrs. Campbell.

First was the rehearsal and production of the new play, "Aunt Jeannie," then the unpleasant incident of John Blair's retirement from the company. Next came the task of "The Joy of Living," while simultaneously trying performance of "The Second Mrs. Tanager" were given.

Mrs. Campbell's nerves Monday night broke down in the fireworks display at Madison Square and the political mass-meeting in the Garden, both of which interfered with the performance in the theatre.

Mrs. Campbell's overtaxed strength again deserted her and during the second act it was necessary to ring down the curtain. Reviving in a few minutes, the actress insisted upon continuing the performance to the end. This she did, and now she is paying the cost.

Mme. Duse's Illness.

Following immediately upon the announcement of Mrs. Campbell's prostration comes a telegram from Boston stating that Mme. Duse, the Italian actress, playing an engagement at the Tremont Theatre in that city, was taken suddenly ill to-day and will be unable to play to-night.

Mme. Duse is due to open her New York engagement at the Victoria Theatre in "La Gioconda" on Tuesday evening next and her managers, Loeber & Co., are much alarmed lest her condition may interfere with local plans.

At the present time Julia Marlowe and Blanche Walsh are other emotional actresses suffering nervous collapse.

PARIS WITHOUT MUSIC TO-NIGHT.

Not a Cymbal Sounds in Gay Capital, for 1,200 Musicians Desert Theatre, Hall and Cafe.

PARIS, Oct. 30.—The strike of the members of the orchestras of the theatres and music halls began at noon to-day. The strikers assembled at the Labor Exchange, bearing bass violins, drums, trombones and other instruments. Although the theatre managers announced their purpose of fighting the strike a number of them already have yielded rather than risk the loss which would ensue from a protracted struggle.

Most of the large music halls and cafes also have yielded, and their orchestras have been disbanded. A number of them continue to resist and are giving performances without orchestras.

The Prefect of Police, having been advised of the intention of the strikers to invade theatres and wreck of instruments of substitutes, posted a large force of police to preserve order at the threatened places of amusement.

Two hundred musicians are involved in the strike movement. The strike is the result of a protracted conflict over wages and extras for rehearsals and matinees.

HERE IT IS AGAIN.

We were unable to supply the demand for this wonderful "Special" last Friday and Saturday, so in order to give everybody a chance we have secured another big lot which we offer again at a most ridiculously low price.

SPECIAL FOR FRIDAY AND SATURDAY ONLY. THIS VERY FINELY MADE BAMBOO EASEL, worth double the price at wholesale.

This easel is 5 feet high, handsomely finished, strong and durable. Only One to a Customer. No Mail Orders Filled.

CASH or CREDIT. Don't ever think of buying FURNITURE, CARPETS, RUGS, etc., without coming here first. Our prices and terms are unmatchable.

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HUNTER'S DOG FOUND BODY.

Animal Led Its Master to Clump of Pines in Swamp Where Corpse of Woman Riddled with Bullets Was Hidden.

BODY WAS STILL WARM.

Police Searching for Man Who Was Seen Driving Along the Road with Woman Who Is Believed to Have Been Murdered.

BOSTON, Mass., Oct. 30.—A crime was unearthed at Reading by a hunting dog, which led its master to a clump of shrub pines in the Cedar Swamp, where the body of a middle aged woman was found. The police to-day are searching for the driver of a wagon seen on the Haverhill road, near Wakefield. A woman, whose appearance closely resembled that of the victim, was in the wagon.

The body was identified this afternoon as Mrs. Mary Myers, of this city. The head and face of the woman was riddled with bullets. Two bullet holes an inch apart are over the right eye, a third over the left eye, a fourth just escaping the temple over the left ear and a fifth was through the nose. Evidence that another weapon was used showed in a gaping wound on the head. The body was yet warm when it was discovered. Near the body was a handkerchief containing lunch and sewing material. On the third finger of her left hand was a ring set with three emeralds.

It is believed by the police that the woman was killed on the highway and the body carried to Reading.

CHIDES MOTHERS AND COMMITTEES.

Miss Lindley Before State Assembly Says Women's Physical Education Is Neglected.

Miss E. Marguerite Lindley, lecturer and inspector of physical education, when she arose to address the delegates of the New York State Assembly of Mothers at the Board of Education building to-day told them that unless she received better support than she had done in previous years she would have to resign from the chairmanship of the Committee of Physical Education, to which she was elected.

"What I want is help from professional women," she said. "I must have better support than I have had in preceding years. At my own expense I prepared a programme suggesting the line of work that should be taken up, and I notified the clubs that it could be had for twenty-five cents. To my surprise I received hardly any response."

"The physical education of the mother must be more thorough. Up to now it appears to have consisted in the reading of books and of what to wear and what not to wear. Last year Mrs. Preston was the only one who aided me, and I must have a better committee."

The Rev. Father Ducey, of St. Leo's Church, offered the prayer preceding the meeting this morning.

ILL AND HOPELESS, SHE DRANK ACID

May Simpson, Found by Her Mother with an Empty Bottle, Died from Dose.

Despondent because of ill health, May Simpson, thirty years old, living with her mother at No. 47 Eighth avenue, to-day ended her life with carbolic acid. Mrs. Simpson returned from a store and found her daughter on the floor with an empty bottle beside her. Her face was painfully burned. The woman admitted she had taken acid.

Dr. Wittich, of Roosevelt Hospital, was summoned. He did all that was possible, but could not save the woman's life.

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MISSES' NORFOLK WALKING SUITS, of all wool Melton or Zibeline, colors Oxford, blue or black, 14 to 18 yrs., reg. \$15.00..... 10.95
MISSES' NORFOLK JACKETS, of all wool Oxford Meltons or Black Cheviots, lined with Skinner's satin, 14 to 18 yrs., reg. \$14.00..... 9.50
MISSES' WALKING SKIRTS, of black Cheviot, side plaited effect with black and white fancy stitching, lengths 37 to 41 inches, reg. \$7.95..... 5.49
CHILDREN'S DRESSES, of all wool fancy plaids or Zibelines, Russian Blouse Gibson effect, velvet yoke and cuffs, 4 to 15 yrs., reg. \$8.00..... 4.90
CHILDREN'S GRETCHENS, of all wool Zibelines, large cape prettily trimmed with velvet folds, all colors, 4 to 13 yrs., reg. \$13.50..... 8.95

FOR THE BOYS.

OVERCOATS, of all wool Cheviots and Friezes, thoroughly well tailored and made in the long, loose effect, 3 to 16 yrs., reg. \$6.50..... 4.98
REFRIGER COATS, of all wool Cheviots and Friezes, cut and made regulation style, 3 to 10 yrs., reg. \$6.00..... 4.75
SAILOR SUITS, of fine all wool colored Serges, handsomely trimmed and braided, 3 to 10 yrs., reg. \$5.00..... 3.89
TWO-PIECE SUITS, double-breasted styles; a big selection of choicest fabrics, 8 to 16 yrs., reg. \$5.00..... 2.98
ALPINE HATS of fine fur felt, in pearl gray and steel colors, regularly \$1.75..... 1.29

FOR THE LITTLE TOTS.

CHILDREN'S COATS, of plain cloth, fancy collars trimmed with velvet and silk braid, colors tan, red and royal, 1 1/2 to 4 yrs., reg. \$7.00..... 5.98
CHILDREN'S COATS, of plain cloth, scalloped collar with fur bands, or double cape trimmed with lace, tan, red or royal, 1 1/2 to 4 yrs., reg. \$4.75..... 3.98
CHILDREN'S POKE BONNETS, of bengaline silk, shirred with full back, some with large bows, colors red, tan or cream, reg. \$2.25..... 1.79
CARRIAGE COVERS, of ripple eiderdown, trimmed with satin ribbon; also of crocheted worsted in blue and white or pink and white, reg. \$2.50..... 1.98
CHILDREN'S GOWNS, of striped flannellette, Mother Hubbard style, colors pink or blue, 2 to 14 yrs., reg. 65c..... 45c

MISSES' AND CHILDREN'S HATS.

CHILDREN'S SCHOOL HATS, ready-to-wear; a large variety of both plain and scratched felt, soft roll brim, trimmed with felt band, all colors, reg. 75c..... 48c
CHILDREN'S AND MISSES' FLATS, of scratched beaver; can be bent into any shape; colors red, navy, cadet, pearl, royal or black, reg. \$1.48..... 98c
MISSES' AND CHILDREN'S TRIMMED HATS, of camel's-hair cloth, bell-shaped crown, stitched brim, trimmed with feather quills and draped with silk, all colors, reg. \$1.98..... 98c
CHILDREN'S WHITE SAILOR HATS, of scratched felt, broad rolled brim, round or square crown, finished with silk ribbon band and long bow with streamers, reg. \$2.98..... 1.48
MISSES' AND CHILDREN'S TAM O'SHANTERS, of imported white or red Angora, double bands, finished with large silk pompon, reg. \$1.98..... 1.25

SHOES FOR BOYS AND GIRLS.

MISSES' BOOTS, lace or button, of fine kidskin, hand welt soles, patent leather tips, sizes 1 1/2 to 2, 1.79; CHILDREN'S, of same, 8 1/2 to 11..... 1.59
BOYS' GOLF SHOES, hand welt extension soles, sizes 2 1/2 to 5 1/2, 2.79; YOUTHS', of same, sizes 11 to 2..... 2.59
LITTLE MEN'S SHOES, of Vic Kidskin, spring heels, sizes 9 to 13 1/2..... 1.49
CHILDREN'S BOOTS, lace or button, of Vic Kidskin, hand turn soles, wedge heels, sizes 4 to 8..... 89c
INFANTS' BOOTS, lace or button, tan or black kidskin, turn soles, sizes 2 to 6..... 89c

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